



Hugh McDonald
SECRETARY OF COMMERCE

Alan McClain
COMMISSIONER,
ARKANSAS INSURANCE
DEPARTMENT

BULLETIN NO. 5-2023

DATE: APRIL 3, 2023

TO: ALL LICENSED INSURERS AUTHORIZED TO TRANSACT HEALTH INSURANCE BUSINESS IN THE STATE OF ARKANSAS WRITING MEDICARE SUPPLEMENT INSURANCE AND OTHER INTERESTED PARTIES

FROM: ARKANSAS INSURANCE DEPARTMENT

SUBJECT: **THE FEDERAL PUBLIC HEALTH EMERGENCY AND MEDICARE SUPPLEMENT GUARANTEED ISSUE ELIGIBILITY**

During the Federal Public Health Emergency, Arkansas consumers were permitted to remain enrolled in Medicaid without a redetermination of income or other eligibility requirements. Consequently, some Medicare eligible consumers may have missed the guaranteed issue period for obtaining a Medicare Supplement plan in Arkansas.

Pursuant to Arkansas Insurance Department Rule 27, Sections Eleven (11) and Twelve (12), Arkansans aged sixty-five (65) or older, and who are enrolled in Medicare Part B receive a Medicare Supplement "open enrollment" and "guaranteed issue" period of six months wherein insurers must offer Medicare Supplement policies to applicants. During this period insurers also cannot discriminate in the pricing of Medicare Supplement policies due to the health status of the applicant.

Arkansas's Medicaid program required Medicaid recipients eligible for Medicare to enroll in Medicare Part B and in some cases auto enrolled the consumer. Some consumers may have been dual enrolled for multiple years.

To ensure low- and moderate-income Arkansas seniors have access to Medicare Supplement plans, the Commissioner directs all health insurers writing Medicare Supplement business in Arkansas to offer a guaranteed issue Medicare Supplement plan to all applicants who have exhausted their open enrollment period as a result of their continued enrollment in Medicaid and who can show verification of an Arkansas Medicaid eligibility change. Insurers should treat applicants as "eligible persons" pursuant to Arkansas Insurance Department Rule 27, Section Twelve (12) and permit applicants to enroll in a Medicare Supplement plan with a guaranteed issue period of sixty-three (63) days starting on the date of a Medicaid eligibility change.

Because consumers were enrolled in both Medicaid and Medicare, this approach will most closely match the intent of Medicare Supplement regulations related to other insurance coverage under Arkansas Insurance Department Rule, Section 12. This approach also aligns with Medicare's decision to not apply a Medicare Part B penalty to late Medicare enrollees.

The Commissioner encourages consumers with questions about this bulletin to contact Carroll Astin at carroll.astin@arkansas.gov or (501) 371-2785. Questions from insurers and other interested parties should be directed to Jimmy Harris at jimmy.harris@arkansas.gov or (501) 671-1621.



ALAN MCCLAIN
INSURANCE COMMISSIONER
STATE OF ARKANSAS

4-3-2023

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